

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
ADMINISTRATIVE ADJUDICATION DIVISION

RE: BONNET SHORES BEACH CLUB CONDOMINIUM AAD No. 04-013/ISA
ASSOCIATION

DECISION AND ORDER DISMISSING APPEAL OF
HEATH MANAGEMENT COMPANY, INC.

This matter is before the hearing officer after oral argument held on October 22, 2004 on the Motions to Dismiss filed by the Applicant, Bonnet Shores Beach Club Condominium Association ("Applicant") and the Department of Environmental Management, Office of Permitting. The Applicant and the Office of Permitting filed written motions with AAD asking that the appeal of Heath Management Company be dismissed.

After consideration of the written submissions and arguments of counsel, it is hereby

ORDERED

1. That the Motions to Dismiss are **GRANTED**.
2. The appeal filed by Heath Management Company is **DISMISSED**.
3. The grounds therefore are fully set forth in the transcript of proceedings which is attached hereto and incorporated herein by reference and made a part of this Recommended Decision and Order.

Entered as a Recommended Decision and Order this 15 day of
November, 2004.



Kathleen M. Lanphear
Chief Hearing Officer
Department of Environmental Management
Administrative Adjudication Division
235 Promenade Street, Third Floor
Providence, RI 02908
(401) 222-1357

Entered as a Final Agency Order this 20 day of December

2004.



Frederick Vincent
Acting Director
Department of Environmental Management
235 Promenade Street, 4th Floor
Providence, Rhode Island 02908

CERTIFICATION

I hereby certify that I caused a true copy of the within Order to be forwarded, via regular mail, postage prepaid to: Peter D. Ruggiero, Esquire, Ruggiero, Orton & Brochu, 20 Centerville Road, Warwick, RI 02886; Richard A. Sherman, Esq., Edwards and Angell LLP, 2800 Financial Plaza, Providence, RI 02903 and ~~March~~ B. Shekarchi, Esquire, 33 College Hill Road #15E, Warwick, RI 02886; and via interoffice mail to: Timothy Pavilonis, Esquire, DEM Office of Legal Services, 235 Promenade St., 4th Fl., Providence, RI 02908; on this 21st day of
~~November~~, 2004.

December

